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Comprehensive review of the whole question of peacekeeping operations in all their aspects

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Sixty-third year

Identical letters dated 24 December 2008 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to refer to Security Council resolution 1809 (2008), concerning the cooperation of the United Nations with regional organizations, in which the Council welcomed my proposal to establish an African Union-United Nations panel to consider the modalities of how to support United Nations peacekeeping operations established under a United Nations mandate.

I wish to inform you that the panel, which was established on 12 September 2008, has concluded its work and has submitted its report to me. I am pleased to transmit the report to you for circulation as a document of the General Assembly and of the Security Council.

(*Signed*) **Ban** Ki-moon

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Foreword

1. There is still no peace in many parts of Africa. From the Horn to the Great Lakes to West Africa, conflict is endemic. New threats continue to undermine political stability, even though in the past years there has been progress both in achieving peace and economic growth.

2. The cost of conflict manifests itself in the deaths of millions. In addition, general insecurity inhibits economic development as well as creating an enormous financial burden for the international community. Associated problems of destruction of infrastructure, environmental threats, displacement, disease and injury mean that the aftermath of conflict is more damaging and long lasting than the conflict itself.

3. While this is not exclusively an African problem, it is in Africa that it is felt most acutely. It is also in Africa that the number and scale of the issues mean that they do not necessarily attract the attention that they deserve. As a result many attempts by the international community to alleviate poverty in Africa often fail to achieve their goals, a problem that is exacerbated by other issues such as a lack of good governance, corruption, patronage, poor education, and inadequate health and social services, which perpetuate a vicious circle of poverty and violence.

4. While military capability may be part of any potential solution, peace on the African continent cannot be achieved through the deployment of military forces alone. We need to look for long-term strategies at the continental, national and, above all, local levels that support the efforts of political leaders to develop effective governance and the capacities to produce the stability that is essential. Only then can they meet the aspirations of the people and break out of the cycle of violence.

5. The international community in general, and African Member States in particular, should not wait for events to unfold before acting. Deploying a peacekeeping mission may be a response, but effective conflict prevention that obviates the need for that deployment is a much better option. However, the latter needs to be backed by a credible capability to deploy or there is a risk of raising expectations that cannot be met. Hence the need for Africa to develop the capacity for a comprehensive approach that contains the ability to respond.

6. United Nations peacekeeping has undergone an exponential increase since the early 1990s. It has had its successes and its failures but few would argue that it has not made a positive difference. At the same time, the African Union has recognized the need to develop its own capacity to respond to crises on the continent. There is a significant synergy to be achieved in drawing on the respective capacities of both organizations and exercising the comparative advantage that each can offer. However, this requires that the strategic relationship be clearly defined within the overall context of the Security Council's primary responsibility for the maintenance of international peace and security. It also requires the resources needed to implement the range of conflict prevention and conflict resolution activities envisaged within the African Peace and Security Architecture. The Security Council adopted resolution 1809 (2008), in which the Council "recognized the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under a United Nations mandate". Indeed, the full deployment of African Union missions has been often limited by a

lack of equipment, inadequate transport capacities, and other operational weaknesses.

7. The consequences of unpredictable support have been all too evident both in African Union missions and those mounted by subregions. Contributions from donors have played a crucially positive role, but they have often fallen short of what was needed. To that end, the Secretary-General, after close consultation with the African Union, asked me to chair a panel whose members were Ms. Monica Juma (Kenya), Mr. James Dobbins (United States of America), Mr. Jean-Pierre Halbwachs (Mauritius), Mr. Toshiyuki Niwa (Japan) and Mr. Behrooz Sadry (Islamic Republic of Iran).

8. The content of the report reflects our consensus, which has been reached after intense debate within the panel and after a variety of consultations with the United Nations offices involved in peace operations and meetings with African Union institutions and African Union member States, members of the United Nations, the United Nations Secretariat, the European Union, and existing and potential donors.

9. The report of the panel explores how the United Nations and the African Union can enhance the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union, with a particular focus on the expeditious and effective deployment of well-equipped troops and effective mission-support arrangements.

10. The panel recommends the establishment of a multi-donor trust fund for the purposes of supporting African Union peacekeeping capacity which should be premised on African ownership. The objective in creating this fund is both to consolidate the various current sources of support for the African Union and to secure additional resources from current and new donors building on the current European Union-funded African Peace Facility. Among its main purposes would be to build capacity within the African Union to conduct the range of activities associated with early warning, conflict prevention, conflict resolution and post-conflict reconstruction.

11. In addition, the panel recommends the use of United Nations-assessed funding to support United Nations-authorized African Union peacekeeping operations for a period of no longer than six months. To qualify for such support, the panel believes that the following two conditions should be met: (a) a case-by-case approval by the Security Council and General Assembly; and (b) an agreement between the African Union and the United Nations that the mission would transition to United Nations management within six months.

12. Although the panel is aware that these two recommendations will not completely address the problems of peace in Africa, I believe that they constitute a significant progress in a longer process which is aimed to profit from the comparative advantages of the African Union.

(*Signed*) Romano **Prodi**
Chairman of the African Union-United Nations panel on
modalities for support to African Union operations

Report of the African Union-United Nations panel on modalities for support to African Union peacekeeping operations

Summary

In its resolution 1809 (2008), the Security Council welcomed the Secretary-General's proposal to establish an African Union-United Nations panel to consider in-depth the modalities of how to support peacekeeping operations, in particular start-up funding, equipment, logistics, and to consider in-depth lessons from past and current African Union peacekeeping efforts.

The present report provides a broad review of the main issues discussed with a wide range of interlocutors on the increasing engagement of the African Union in conflict prevention, peacekeeping and post-conflict reconstruction. These issues included peace and stability in Africa; lessons learned from African peacekeeping; United Nations/African Union strategic relations; African institutional capacity; development of the African Standby Force; resources and logistic requirements; financing for peacekeeping and long-term capacity-building, as well as coordination of support.

In addition to addressing the strategic relationship between the United Nations and the African Union, the panel makes a number of recommendations to strengthen the mutual relationship and develop a more effective partnership when addressing issues on the joint agendas.

Concerning the enhancement of the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union, the panel recommends the establishment of two new financial mechanisms. The first is based on United Nations-assessed funding and designed to support specific peacekeeping operations. This should be on a case-by-case basis to support United Nations Security Council-authorized African Union peacekeeping operations for a period up to six months. Initially, at least, this support should be provided mainly in kind. The second, a voluntary funded multi-donor trust fund, should focus on comprehensive capacity-building for conflict prevention and resolution as well as institution-building, and should be designed to attract new as well as existing donors, while fostering African ownership.

The panel recommends that the African Union considers developing its logistics capacity and explores innovative options including commercial multifunction contracts.

Finally, the panel recommends the establishment of a joint United Nations/African Union team to examine the detailed modalities to implement the above-mentioned recommendations.

I. Introduction

1. At its high-level meeting held on 16 April 2008, the Security Council adopted resolution 1809 (2008), recognizing "the need to enhance the predictability, sustainability and flexibility of financing regional organizations when they undertake peacekeeping under a United Nations mandate". This led to the establishment of a panel, whose members are listed in annex I to the present report, and whose mandate was "to consider in-depth the modalities of how to support peacekeeping operations, in particular start-up funding, equipment and logistics, and to consider in-depth lessons from past and current African Union peacekeeping efforts" (Security Council resolution 1809 (2008)).

2. The terms of reference of the panel, contained in annex II to the present report, state that the objective is to make "concrete recommendations on how the United Nations and the African Union could explore the possibility of enhancing the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union, with a focus on the expeditious and effective deployment of well-equipped troops and effective mission support arrangements". Therefore the panel's priority was to examine the difficulties created by the lack of assured funding and to give advice as to how they might be addressed to support the development of long-term peacekeeping capacity.

3. While the terms of reference were framed in technical terms, the panel's task is inherently political in that it encompasses the nature and structure of partnerships between the United Nations and the African Union, and regional organizations. The report of the Secretary-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186) highlighted the need for the Security Council to define the "role of regional organizations in maintaining international peace and security" and to clarify "the nature of the partnership" with emphasis on how to develop mechanisms to promote common understanding and effective coordination across the range of conflict prevention and conflict resolution activities. We stress the necessity for the African Union member States to develop a coherent response to crises on the continent and the implications of their operating under a Security Council mandate.

4. The panel consulted as widely as possible with the United Nations, the African Union, the regional economic communities, the European Union and Member States, within the limited time available. The report will present a broad analysis of the main issues that came out from the various discussions and examine possible ways of enhancing long-term capacity, including sustainable mechanisms for funding for consideration by the United Nations, the African Union and other bodies, as appropriate. As such the present report should be seen as a step in a longer process that will require further consultation and work for the development of its recommendations to improve the funding of African Union peacekeeping operations.

5. The panel's recommendations have been guided by the need to build up the African Union's capacity for peacekeeping, consistent with the objectives of Chapter VIII of the United Nations Charter and the Constitutive Act of the African Union, both of which emphasize the need to promote peace, security, and stability on the continent. In examining the needs, it is impossible to divorce the requirement

for improved support for African Union peacekeeping capacity from the context of collective security and the broader underlying political and strategic issues.

6. In this context, specific emphasis was placed upon:

(a) Recognition of the primacy of the United Nations Security Council in the maintenance of peace and security;

(b) The need to enhance the strategic relationship between the United Nations and the African Union, specifically between the United Nations Security Council and the African Union Peace and Security Council, and the United Nations Secretariat and the African Union Commission, as the basis for a more effective partnership when addressing issues of mutual interest;

(c) The African Union's objective of developing a comprehensive peace and security policy;

(d) The necessity to provide resources for peacekeeping in a sustainable, predictable manner without undermining the value of flexibility associated with the ability of regional organizations to respond quickly to a crisis;

(e) The need for the African Union to develop the institutional capacities that will enable it to implement that policy, in particular the need for integral capacities to plan, manage and support both conflict prevention and peacekeeping activities;

(f) The need to identify mechanisms for financial and logistic support that focus on the requirements of the African Union at the continental level, while acknowledging the implications at the subregional and national levels as the building blocks of African peacekeeping capacity;

(g) The importance of close coordination between all international partners supporting African Union capacity-building;

(h) The need for capacity-building initiatives to be supported by effective and appropriately funded training programmes.

7. Notwithstanding the requirement to propose possible technical solutions to this problem, it was clear that the issue at hand was more political than technical. Financing options are not difficult to identify and are generally well known, particularly in the case of mounting regional peacekeeping missions in Africa. The challenge lies in the question that when the Security Council authorizes a peacekeeping mission to be undertaken by the African Union, whether or not it should be funded from United Nations-assessed contributions. The constraint imposed by this divergence led the panel to focus on options that are possible within the existing financing framework, or adaptations of it; more far reaching and revolutionary alternatives would require a fundamental change of approach from all stakeholders, including the reform of the main structures of multilateral politics.

8. It is also important to acknowledge the impact of other ongoing events that will influence the ability of the international community to generate the funding that is needed both to support the deployment of African Union peacekeeping missions and long-term capacity-building. The United Nations peacekeeping budget has risen from $1.5 billion in 1999-2000 to $7.1 billion for 2008-2009. The international community remains committed in Iraq and Afghanistan. Demands for support

continue unabated. In addition, there is considerable uncertainty generated by the current global financial crisis.

9. The panel notes that much good work has been undertaken by the African Union and its partners, including the United Nations, to ensure support for African Union peace operations and the development of long-term capacity. The panel also notes, however, that much of this work has tended to be ad hoc and driven by either a need to respond to a specific crisis, often beyond the capacity of the African Union, or by other interests. While such support may provide a solution to short-term requirements it does little to build the long-term capacity of the African Union.

II. Maintenance of peace and security: the global challenge

10. The complexity of modern peacekeeping means that no single organization is capable of tackling the challenge on its own. More than ever, security threats require a collective approach premised on a range of partnerships which should seek to establish coordination both at the strategic and programmatic levels. They should also take maximum advantage of the strengths that respective organizations, especially regional organizations, can contribute.

11. There is a need to reaffirm the collective responsibility for global peace and security in order to reflect the changes that have taken place in recent years. Peacekeeping operations initiated by the African Union and African subregional organizations have proved useful precursors to larger United Nations-led efforts leading to lasting peace for the countries concerned, Sierra Leone and Burundi being good examples. However, there is a growing anomalous and undesirable trend in which organizations lacking the necessary capabilities have been left to bear the brunt in terms of providing the international community's initial response, while others more capable have not engaged. This inversion of responsibility is generating a trend of benign neglect in which interests rather than capabilities prevail.

12. In examining the past operations, it is clear that the African Union faces particular challenges. Recent and ongoing conflicts in Africa such as those in Somalia, the Darfur regions of the Sudan, the Democratic Republic of the Congo and in West Africa illustrate the challenge. The complexity, in terms of the range of responses from mediation to intervention, creates demands that are out of all proportion to the availability of resources to address them. In that respect, any recommendations made to address this dilemma should focus on meeting the needs of the African Union and should not necessarily set a precedent for other regions.

13. Weaker organizations have been drawn into complex and volatile missions without the necessary capacities to succeed, or have been so constrained that their objectives have been impossible to achieve fully. The recent examples of Darfur and Somalia clearly demonstrate this point: they are two of the most challenging of all operations with the least well-supported deployments. Further evidence of this problem lies in the pressure experienced by the African Union to deploy in both cases. While the lack of resources put the operations at serious risk of failure, the dependency on external support for deployment and sustainment put the African Union in the position of having the potential responsibility for missions over which it has little institutional or managerial capacity or control. The accomplishments of these missions is a testament to the willingness of the African Union to respond to difficult challenges, but it has not been without some cost, as evidenced by recent

incidents such as at Haskanita in Darfur. Deployment under these conditions should be assessed carefully. While donors should be encouraged to provide financial support to regional peacekeeping efforts, they should not be under any illusion that this is a substitute for more direct international participation.

14. It is probably unrealistic to expect to see a quantum leap in the deployment of troops from the countries outside Africa to support peacekeeping missions on the continent. While many countries have commitments to peace and security in other parts of the world, an increased engagement of the international community in Africa remains an important objective. The development of the African Peace and Security Architecture should not be seen as a signal for the need for less international involvement, but an opportunity to develop a range of appropriate responses.

15. The circumstances of many States Members of the United Nations have changed as their economies have developed. In addition, many of these countries have interests in the African continent beyond a general desire for stability. All countries, both those that have been engaged traditionally and emerging economies, with resources and/or interests in Africa, should be much more actively encouraged to support the building of an African peacekeeping capacity. In the final analysis, the African Union will only be able to respond to crises effectively if there is sufficient political and financial commitment of its own member States and, more generally, of the international community.

16. As new threats to peace and security emerge, and the complexity of the environment in which peacekeepers are expected to operate continues to increase, the importance of deploying capable and credible peacekeeping missions increases proportionately. New demands require fresh thinking. Complexity demands greater responsiveness. Both require greater capability. It is simply undesirable to expect peacekeeping missions to deploy into uncertain situations without the necessary means. It is a recipe for failure. We are deluding ourselves if we believe that having something on the ground is better than doing nothing. In the absence of the necessary capabilities, such an approach brings a high level of risk, not only of failure but also of raising people's expectations that cannot be fulfilled. Worse still, it undermines the credibility of peacekeeping and weakens the organization that is responsible.

17. Developing the necessary capability depends on a combination of political will and availability of resources. The lack of political will undermines credibility, while the lack of resources compounds the problem by limiting the ability of a mission to implement its mandate. In either case, hard decisions will have to be taken as resources are finite and their availability for building peacekeeping capacity will affect other potential priorities within the 10-Year Capacity-Building Programme for the African Union approved by world leaders in the 2005 World Summit Outcome (General Assembly resolution 60/1).

18. The demand for resources is likely to become increasingly competitive as mandates become more complex and expectations are raised. This underlines the need for those involved in the maintenance of peace and security to work together in effective partnership if they are to achieve their objectives. Progress has been made in this respect, and increasingly those organizations and Member States have developed a much better understanding of how to work together, but many of the

arrangements are still evolving and remain ad hoc. They are not necessarily the product of a shared strategic vision.

19. It is unlikely that demand for peacekeeping capacity will decrease in the near future. This makes it even more important to ensure that peacekeeping is not seen as a panacea. Not only should every effort be made to develop a shared strategic vision, but it must also be viewed in the wider context of conflict prevention, peacekeeping and post-conflict reconstruction activities. Peacekeeping missions should not be the default answer. They must be used appropriately and should only be deployed where there is an unambiguous understanding of the objectives that need to be achieved, how their activities relate to the longer-term political and reconstruction process and how they will be resourced. Unless these issues are clear, there is a risk of missions losing direction and becoming part of the problem rather than the solution.

20. Security is a prerequisite for long-term sustainable development and nowhere is this more evident than in Africa, where conflict continues to undermine the aspirations of the people. The need to address this challenge is not only an African issue; in an increasingly globalized world, it has implications for the international community as a whole.

III. Peace and stability in Africa

21. Since 1948 there have been 63 United Nations peacekeeping missions, almost half of them in Africa. African troops have been involved in all but 10 of these. Currently, peacekeepers in Africa make up nearly 75 per cent of United Nations peacekeepers deployed worldwide, and of these, 40 per cent are drawn from African troop contributors. The 2008 budget for United Nations operations deployed on the African continent amounts to $5.162 billion.

22. In recent years cooperation and understanding has increased between international and regional organizations. In the African context, the Africa-European Union Strategic Partnership and the United Nations-African Union joint Declaration of 16 November 2006 are two key milestones, but the ideals that they represent need to be developed, and there remains a need for more detailed and functional mechanisms to be put in place; this also applies to the evolving relationship between the African Union and the African subregional organizations. Critical to this relationship is the notion that the regional economic communities form the building blocks for the African Union Peace and Security Architecture. Therefore engagement in Africa should be with all its constitutive elements. It must be built upon solid foundations that can ensure a response that is appropriate to the circumstances. This may be the deployment of an African Union mission, or it may require capabilities beyond those that are likely to be available in Africa, either in the form of a United Nations mission or a multinational coalition. The development of an increased African capability does not lessen the need for other forms of international engagement, but rather it expands the range of available options and draws upon the strengths that the African Union and subregional organizations can contribute.

23. To play its part, the African Union has developed the African Peace and Security Architecture, which encompasses a range of conflict-prevention activities supported by the panel of the Wise and the Continental Early Warning System, the

five subregional response elements that form the African Standby Force, and the Peace and Security Council as the primary decision-making body. Funding represents one of the major challenges but it is far from being the only one. The structure of the African Peace and Security Architecture is still evolving but despite various efforts the African Union Commission has some difficulty in keeping pace with the increasing demands being created, particularly in the light of the expectation of the capacity to respond rapidly, and credibly, to a situation such as occurred in Rwanda.

IV. Lessons from peacekeeping missions in Africa

24. Since 1989 there have been eight African Union or subregional peacekeeping operations: in Liberia (1990-1993); in Sierra Leone (1997-1999); in Guinea-Bissau (1999); in Côte d'Ivoire (2003-2004); in Burundi (2003-2004 and 2007 to date); in Darfur (2004-2007); in Comoros (2008); and in Somalia (2007 to date). Of these eight operations, four have been succeeded by United Nations-led missions and one is currently being conducted as a hybrid United Nations/African Union mission. Six of the eight societies are now at peace, though peacekeeping or subsequent post-conflict reconstruction missions remain in all of them.

25. Among the lessons to be learned from these missions is the crucial need to develop the capacity to support operations. These include many of the same capacity issues that challenge the United Nations and the African Union, particularly the need to generate and deploy missions with appropriate capabilities within a time frame that meets the requirement. It is important to ensure that missions deploy with what they need or they risk being given a mandate that they cannot achieve; the result is an incremental deployment that is more costly in the long run, not only in terms of resources but also in its impact upon the civilian population of the country concerned. The examples of Darfur and the Democratic Republic of the Congo provide ample illustration of the consequences of that lack of capacity.

26. The United Nations has faced the same challenges to enhance effectiveness and has taken steps to address them; in that respect, it has developed guidelines for peacekeeping, changed its structures and procedures to enhance its institutional capacity, established Strategic Deployment Stocks and the Pre-Mandate Commitment Authority to provide the initial finance for mission start up.

27. African missions have demonstrated the value of a quick response to provide the initial stability needed for a longer-term solution, but their scope and ability to implement their respective mandates have often been constrained. The lack of resources is clearly one factor but difficulties in establishing the foundations for long-term post-conflict resolution, not entirely linked to resources, have been another. Hitherto the emphasis has tended to be on the military deployment, with little capacity to address wider post-conflict issues, or coordinate with other agencies deployed in the country, leading to the implementation of the mandate in a sequential rather than a concurrent process. It is essential that a mission has both the capacity to plug into the wider long-term framework and coordinate its planning with other actors from the very start of the process.

28. Capacity can be less of an issue where there are clear and limited objectives as can be seen in the successful deployment of the mission to the Comoros. The clear objective to restore the authority of the Union of the Comoros in the island of

Anjouan, a short duration and sufficient resources made it possible for the African Union to deploy successfully. It would be wrong to suggest that the African Union should confine itself to smaller-scale operations but the example does underline the importance of capacity being matched to the objectives.

29. While African missions have been able to stabilize certain situations and provide a first response, their capacity to sustain a long-term commitment has been limited. Notwithstanding the difficulties faced in establishing a long-term framework in cases where they have acted as precursors to larger and more robust United Nations operations, the missions succeeded in initiating the process towards lasting stability, albeit not without some other significant problems as illustrated in the following examples.

30. The Economic Community of West African States (ECOWAS) deployments in West Africa demonstrate many of the problems facing a regional deployment. These were the subject of a study[1] undertaken in 2005, which concluded that in its earlier deployments, ECOWAS had underestimated the implications of deploying peacekeeping missions and lacked the necessary capabilities to support a sustained operation, particularly in terms of critical assets such as aviation, medical, engineering and communications. The situation was exacerbated by a lack of capacity within individual troop contributors that quickly affected missions as a whole and hence the effectiveness of the regional response. While these shortcomings were known from the early 1990s, they persisted in more recent deployments in Côte d'Ivoire in December 2002 and Liberia in August 2003, when, in both cases, the success of the deployment depended on considerable assistance from external partners.

31. The deployment of the ECOWAS Mission in Liberia (ECOMIL) also provides a useful example of cooperation between ECOWAS and the United Nations, in so much as the resources of the latter were authorized by the Security Council in its resolution 1497 (2003) to be used to support the deployment of the first Nigerian battalion, which had just completed its tour of duty in the United Nations mission in Sierra Leone. While this battalion provided the vanguard of the ECOMIL deployment, at the mission level it was still significantly underresourced in terms of transport, communications, medical support and overall logistic capacity. Consequently, it was severely constrained; for example, the Accra agreement required forces of the Government, the Movement for Democracy in Liberia (MODEL) and Liberians United for Reconciliation and Democracy (LURD) to stay in their ceasefire positions and allow unhindered humanitarian access to the territory they controlled, and for ECOMIL to verify compliance with the Accra agreement. Yet the mission lacked the capacity to deploy beyond the area immediately surrounding Monrovia and some key corridors. This is no criticism of the ECOMIL contribution to stabilizing Liberia; indeed similar problems face United Nations missions, but it is indicative of the problems facing missions that are deployed with inadequate resources. Indeed, it took a considerable time, even after transition to UNMIL, for the capabilities to be built up to the required level. Until that point, the mission was not fully able to implement its mandate.

[1] Lessons from ECOWAS Peacekeeping Operations: 1990-2004, report of the ECOWAS workshop held in Accra from 10-11 February 2005, Kofi Annan International Peacekeeping Centre, March 2005.

32. The African Union Mission in the Sudan (AMIS) deployment to Darfur presented many similar problems that were compounded by the faltering political process, though it is recognized that the deployment itself was able to provide some stability which was essential to establishing the conditions to initiate a longer-term approach. A study undertaken in late 2006 aimed at identifying lessons for the African Standby Force,[2] pointed to the following deficiencies:

(a) A lack of planning in the initial stages of the mission and insufficient remedial action taken to develop planning capacity in the course of the mission;

(b) A lack of clarity in the mission structure at the field level, and the inadequacy of that structure for the purpose of managing the interaction between the military, police and civilian components of what quickly became a multidimensional mission;

(c) Weaknesses in strategic management capacity, encompassing both the African Union Commission and member States' advisory bodies;

(d) An absence of effective mechanisms for operational level management;

(e) A lack of tools and know-how to handle the relations of the mission with a variety of external actors, including local communities, the Government of the Sudan, external partners and agencies;

(f) Insufficient logistic support and ability to manage logistics;

(g) Insufficient capacity in the key area of communications and information systems, compounded by unclear reporting lines from the field to the African Union Commission;

(h) Problems in force generation and personnel management;

(i) A quasi-total dependence on external partners to finance the mission, and overdependence on partners' technical advice, with attendant constraints, delays, and political ambiguities.

33. It is recognized that many of the problems were exacerbated by political and geographical factors beyond the mission's control, and a considerable amount of subsequent development work has been done. However, notwithstanding that pressure on the African Union to manage the mission has been removed by the deployment of the African Union-United Nations Hybrid Operation in Darfur, the fact remains that the African Union's institutional capacity to manage the above-mentioned issues is still inadequate.

34. A significant outstanding problem relates to the lack of an adequate system for reimbursement of troops and equipment. This has led to a decline in countries' capabilities, as they are unable to replenish their defence equipment. In turn this has resulted in a growing reluctance to use their military assets for deployment on African Union peacekeeping missions.

[2] The AU in Sudan: Lessons for the African Standby Force, International Peace Academy, October 2006.

V. Need for clarity in the United Nations/African Union strategic relationship

35. The Charter of the United Nations acknowledges the role of regional arrangements in dealing with matters of international peace and security. This is the starting point for designing a stronger partnership between the United Nations and the African Union. In their communiqué, contained in annex II to the Report of the Security Council of 11 July 2007 (S/2007/421 and Corr.1), the Security Council and the African Union Peace and Security Council expressed their commitment to the development of a stronger and more structured relationship between their respective institutions. They also agreed to bear in mind that in taking initiatives for the promotion of peace and security in Africa, the African Union is also acting on behalf of the United Nations and the international community consistent with Chapter VIII of the Charter. Although this relationship is evolving positively, it has yet to achieve the necessary level of strategic engagement to support a unified approach. In this regard, there is a need to clarify the relationship between the United Nations Security Council and the African Union Peace and Security Council.

36. The United Nations Security Council has primary responsibility for the maintenance of peace and security. While regional and subregional organizations act on its behalf in resolving conflict, it is necessary to ensure that they are able to exercise their comparative advantage in initiating an operation before a situation becomes protracted.

37. A timely and effective response to crises is needed, especially in cases of war crimes, genocide, crimes against humanity and major humanitarian situations. Achieving this requires a clearer division of labour in which the comparative advantage of the respective organizations can be exploited.

38. While the United Nations Security Council clearly supports stronger cooperation between the United Nations and regional organizations, it has not considered this issue in a systematic way. Instead, it has focused on individual cases and, as a result, has not yet developed a clear framework for cooperation. While this is in line with the Security Council's primacy in addressing peace and security issues, it has resulted in a lack of clarity in the strategic relationship between the United Nations Security Council and the African Union Peace and Security Council.

39. In developing a more effective relationship between the African Union Peace and Security Council and the United Nations Security Council, the objective should be to establish a division of responsibility based on the African Union's comparative advantages. The partnership should aim both to influence Member States within the region either directly or through subregional organizations and to develop mechanisms that support a more responsive and regular coordination when addressing issues of common interest. In defining the division of responsibility, it is important not to create the perception that the United Nations is subcontracting peacekeeping to the African Union. The objective should be to maximize the African Union's strengths in terms of its contribution to conflict prevention, mediation, its ability to address smaller-scale requirements such as mediation and restoration of constitutional order in the Union of the Comoros, and, finally, its capacity to act as the first response to larger-scale United Nations missions.

40. An enhanced strategic relationship will lead to better mutual understanding, development of joint approaches to issues and much improved continuity,

particularly when it is envisaged that an African Union mission will transition to the United Nations, an issue that has both political and potential financial implications. However, to agree on a common position is only the initial phase of the process, as it still has to be planned and implemented.

41. A closer relationship between the United Nations Security Council and the African Union Peace and Security Council may help to establish the strategic vision, but it has to be underpinned by an equally strong relationship between the United Nations Secretariat and the African Union Commission. Over the past five years, much progress has been made in this respect and regular coordination takes place at a variety of levels. Much of this is in the context of specific issues but it might be helpful to both organizations if a more routine mechanism existed, possibly using the United Nations/European Union Steering Committee as a model. However, fully effective coordination is dependent on the respective organizations having an appropriate capacity.

42. The 2005 World Summit and the Peace and Security Cluster of the 10-year capacity-building plan provides the framework for much of the assistance provided by the United Nations to the African Union. Led by the Department of Political Affairs of the Secretariat, the Peace and Security Cluster covers a range of conflict prevention and peacekeeping capacity-building programmes. Through its African Union Peacekeeping Support Team, the Department of Peacekeeping Operations continues to address the development of peacekeeping capacity, particularly the development of the African Standby Force. Additional assistance has been provided to support more immediate planning requirements such as the African Union Mission in Somalia because the African Union's own structures remain insufficient for the task. While helpful, this does not produce real African Union long-term capacity to plan, deploy and manage missions at the continental and subregional level.

43. Much has been said about the principle of African ownership over the development of the African Peace and Security Architecture. Yet it is difficult to achieve ownership by augmenting the African Union Commission with external support. Ownership will only be achieved through the development of home-grown structures and procedures supported by effective mechanisms for funding.

44. The modalities on which a strengthened relationship between the United Nations Security Council and the African Union Peace and Security Council can be developed must work to the mutual benefit of both; this will require a significant effort both in terms of establishing a clear understanding of the issues that underpin the relationship and identifying practical answers as to how they can work together more closely; this is at the heart of building a more effective partnership when addressing issues on the joint agendas.

VI. Requirements of institutional capacity

45. There is broad recognition that the ability of the African Union and its subregions to react quickly has, in most instances, been positive. They could have achieved much more if they had been given the necessary support. Development of a more comprehensive response to issues of peace and security is not just a question of focusing on hardware or finance, and it must recognize that military capabilities can never substitute for long-term political solutions to crises. This requires the

development of a range of complementary capabilities, including more effective conflict-prevention mechanisms, such as early warning and mediation, as well as reconstruction and development.

46. The African Union has to cope with the double challenge of building its institutions and responding to crises. In doing so it is important that the latter does not undermine the achievement of the former. It is impressive that the African Union has been able to do so much with an as yet incomplete institutional structure. However, this is not something that can continue in the long term: sooner or later it will result in a major setback.

47. Much of the African Union's institutional weakness stems from the fact that it is an organization in transition. Structures and procedures that were conceived in the days of the Organization of African Unity are at odds with, and inadequate to support, the African Union's increasingly proactive approach. Even the structures agreed upon at the African Union Summit held in Maputo in 2003 "suffered from the lack of clear expectation of what the Commission's programmes should be or what they should deliver"[3] and from the "failure to meet the approved staff complement was due to an inefficient recruitment process, encumbered by the application of the quota system."[3] Lack of flexibility in human resources management and African Union conditions of service have often resulted in the failure to attract and retain appropriately qualified personnel, thereby creating difficulties in developing capacity and an ongoing need for external assistance. Developing the institutional capacity to rectify this human resources problem is a major challenge and needs to be accorded the appropriate priority.

48. In the case of the African Union Peace and Security Department, the 2003 African Union Summit approved 53 posts of which only a small percentage has been filled. This creates a challenge for peacekeeping, in particular for the Peace Support Operations Division, which has only 12 approved posts. While ad hoc arrangements have been made for support to specific operations, there has been no continuity that could have contributed to long-term capacity.

49. If the African Union Commission aims to properly embrace wider peacekeeping and an integrated approach to tackling conflict, a step change is required in terms of doctrinal understanding and approach. This will entail working cross-department and cross-discipline and building the necessary expertise required to mount and manage peacekeeping operations.

50. The panel understands that a study of the Peace Support Operations Division's structural requirements was conducted in early 2008, which confirms that the current structures and staffing are inadequate. This report is still being considered by the African Union Commission in the context of its overall staffing requirements. It is crucial that any restructuring enables the African Union to develop a fully integrated structure for peacekeeping.

[3] Report of the Independent High-level Panel of the Audit of the African Union by the Assembly of the Heads of State and Government of the African Union, paras. 130 and 131.

VII. Development of the African Peace and Security Architecture

51. In spite of the structural shortcomings, progress has been made in the development of the African Peace and Security Architecture, although some aspects are more advanced than others. Significant disparities exist in the degree to which African Union member States are able to support the implementation of its goals. While the African Peace and Security Architecture has the potential to radically change the approach to peace and security in Africa, questions arise on the sequencing of some of its objectives and the effectiveness of the evolving institutions to manage the process. Without the appropriate African Peace and Security Architecture structures, there is a risk that the African Union Commission could be overwhelmed by the combination of immediate demands and long-term interests, to the detriment of the overall process.

52. With regard to the immediate demands, the focus is on building peacekeeping capacity in the form of the African Standby Force. The first phase of development was endorsed by the meetings of African Ministers and Chiefs of Defence and Security in March 2008 and it is now moving into the next stage of African Standby Force development with the implementation of "road map 2", which maps out the plan for the next stage of Force development culminating in a major assessment of progress in 2010 supported by the European Union and other capacity-building partners.

53. Developing the African Standby Force is a major undertaking and it would be easy for it to lose direction; in this respect it is important that the African Union drives the process in terms of setting the objectives, but it is equally important that clarity and realism underpin its efforts. Key aspects, such as the logistic concept, the ability to achieve the stated readiness requirements, issues of command and control, structural capacity and civilian capabilities remain unclear, and while work is in hand to address many of the issues, clarity needs to be achieved as soon as possible. Equally, it is also essential that donors do not attempt to drive the process at a pace that the African Union Commission cannot handle.

54. Key to the development of the African Peace and Security Architecture is the need to take cognizance of the role of women's participation at all levels, in conflict prevention, peacekeeping operations and post-conflict reconstruction.

VIII. Resource requirements

55. The requirement for funding and resources should be viewed in the wider context of the African Peace and Security Architecture. A significant proportion of funding will be allocated for the support of the African Standby Force concept, which is based upon five distinct regional, and integrated, standby capacities within a common continental framework.

56. In examining the financial and resource requirements needed to develop the African Standby Force, it is clear that they fall into three separate layers. First, the implementation of the African Standby Force institutions at the continental level. Second, those of the five subregions and, finally, those at the level of individual troop contributors. They also have to support short-term operational requirements without undermining the ability to build long-term capacity. Given the scale of the requirement, it would be unrealistic to envisage a single mechanism with the

capacity to address all three, it would neither be the most efficient approach, nor would it necessarily be consistent with the African Standby Force concept. Therefore, it is important that the long-term emphasis is placed on developing a strong capacity to sustain the ability of the African Union to implement the African Peace and Security Architecture.

57. As capacity is developed, it is important to ensure that improved mechanisms for funding and logistic support should promote more effective, complementary and concerted efforts. The emphasis must be on a coordinated approach of the international community, and not merely on enabling the African Union to deploy missions. African-led peacekeeping should be developed, but at the same time the international community should continue to be encouraged to participate more actively in demanding situations.

IX. Financing

58. Hitherto, African Union missions have been mounted using voluntary contributions from donors, both financial and in kind. That approach tends to be ad hoc and, in addition to inhibiting long-term planning, is complicated by the individual requirements of donors for accounting, reporting and auditing. Currently, there are more than 130 different contributions channelled to the African Union — each with its own reporting and monitoring requirements. This places a huge burden on the weak structures of the African Union. The African Union Commission mechanisms were not designed to cope with the present scale and range of demands. Any new mechanism should be kept as simple as possible and include a standardized format for reporting.

59. While donor support may have facilitated the successful deployment of missions, it has not been able to ensure that missions have had all of the necessary resources. Reliance on unpredictable sources of funding means that there is no guarantee that essential capabilities will be available which, in turn, may invalidate planning assumptions. This acts as a disincentive to potential troop contributors who are understandably reluctant to commit to missions that they see as underresourced, especially when this is accompanied by a lack of any guarantee of sustained reimbursement. Donor support, both financial and practical, provided for specific operations may be able to facilitate an operation but it does not contribute to building up long-term capacity. Once the requirement is over, the donor support generally ceases.

60. Concerning the importance of long-term engagement, we note the experience of the African Peace Facility established by the European Union, to provide the African Union and the other regional organizations with resources to mount effective peacemaking and peacekeeping operations structures.

X. Financing for peacekeeping missions under a United Nations mandate

61. The panel considered a number of options for improved funding but emphasizes the point common to all, that it is necessary to develop the African

Union's institutional structures for financial management concurrently with any improved funding mechanisms.

62. Broadly speaking, there are two approaches: one based on voluntary funding and one based on assessed funding. Within these there are a number of variations and there are also a number of aspects related more directly to logistic support than to specific mechanisms for providing finance. In general terms, the former are likely to be more suited to long-term capacity-building, while the latter are likely to be more appropriate in the case of supporting operational mission requirements.

63. In looking at the options for supporting peacekeeping the first and most obvious one is full access to United Nations-assessed contributions for African Union missions authorized by the Security Council. This would provide predictability which is sustainable over whatever period is necessary. The primacy of the Security Council remains paramount. The key is to reinforce its primacy while encouraging maximum flexibility at the regional level. Any proposal for the use of assessed contributions must be accompanied by appropriate accountability mechanisms.

64. The panel recommends the use of United Nations-assessed contributions on a case-by-case basis to support United Nations Security Council-authorized African Union peacekeeping operations for a period up to six months. Initially, at least, this support should mainly be provided in kind. This could include troop transport, troop reimbursement, communications and various forms of logistic support. The panel believes such an arrangement could benefit both the United Nations and the African Union, where the African Union, exercising its ability to respond quickly, would be providing an initial response to a longer-term United Nations commitment. This would require an agreement between the African Union and the Security Council for the mission to transition to the United Nations. Such an arrangement should aim to establish an African Union mission to United Nations standards as far as possible and would clearly facilitate the transition process that would ultimately take place.

65. Such an arrangement could provide the answer to a more predictable funding arrangement when it is clear that there will be a transition to the United Nations, but it does not when it is either unclear, or the Security Council is undecided. In that case, the African Union is likely to be faced with the prospect of relying on donor contributions as it has in the past.

66. The panel underscores the value of African ownership and emphasizes the importance of African Union member States increasing their own financial contribution to peacekeeping operations. The concept of an African Union assessment has been discussed on a number of occasions. The panel believes that this goal should be achieved gradually given the competing demands for resources, the ability of member States to contribute and the current economic situation. A first step in this direction could be to augment the African Union Peace Fund.

XI. Financing for capacity-building

67. The panel also recommends that the African Union develop a comprehensive plan for long-term capacity-building. The plan, which should contain timelines and benchmarks, should be aimed at developing the planning, management and administrative capacity of the African Union to support peacekeeping operations

and conduct the range of activities associated with conflict prevention, conflict resolution and post-conflict reconstruction. The panel recommends that the plan be financed by a multi-donor trust fund which should be established for that purpose. The various existing sources of support to the African Union would be consolidated under that fund and a standardized format for reporting to all donors will be developed. The fund would also seek additional resources from current and new donors.

68. A board would be created to provide policy guidance for the development of the plan prepared by the African Union, to recommend funding proposals for activities within the plan and to oversee the utilization of resources of the fund. The board would consist of 11 members — 5 representatives appointed by the Chairperson of the African Union Commission, 1 representative appointed by the Secretary-General of the United Nations and 1 representative from each of the 5 largest contributors to the fund. The secretariat of the board should be located in Addis Ababa.

69. The panel recommends that the fund should be administered by an agency with experience in managing multi-donor trust funds, such as the United Nations Development Programme, appointed by the board. In addition the board would need to appoint an implementing agency. Full responsibility for both administration and implementation of the fund would be transferred to the African Union as soon as the necessary financial management and other administrative capacity needed to execute these tasks is put in place at the African Union. In order to transfer this responsibility, consistent with the principle of African ownership, the development of that capacity would be a priority of the plan. A first review of ongoing progress should be undertaken after two years from the establishment of the fund.

70. Additionally, the possibility of closer cooperation between private-sector development initiatives and peacekeeping should be examined with a view to identifying areas of complementarity.

XII. Logistics requirements

71. The most obvious manifestation of the difficulties created by the lack of predictable and sustainable funding emerges from the problems facing African Union and subregional peacekeeping missions in the provision of logistical support at all levels. This has a direct impact on the ability of the African Union to support and sustain a mission in the theatre of operations. While the African Union is willing and has demonstrated ability to mobilize troops, the lack of logistics is a major constraint to African Union peacekeeping operations.

72. Dependence on donor support remains a major challenge that will continue to undermine the African Union's capacity to mount peacekeeping missions. In response to this problem, African Ministers of Defence and Security, at a meeting convened by the African Union Commission in March 2008, approved a basic logistics framework. However, questions related to its final shape and funding remain unresolved.

73. The African Union, in developing its long-term logistics capacity, has two main options. The first consists of a traditional approach relying on significant stockpiles of equipment. The second, more innovative, which could take advantage

of new business practices such as logistics civil augmentation programmes, where the actual delivery would be provided by a commercial contractor. At the same time, the logistics civil augmentation programmes offer greater flexibility and reliability.

74. The management of logistics is dependent upon a range of institutional capacities that should be included within the overall capacity-building effort. Inadequate structures, a lack of personnel and a lack of systems designed to provide support, procure equipment, let contracts, and generally support deployment such as exist in the United Nations framework, make it very difficult for the African Union to provide the necessary support. The problem is exacerbated by the number of bilateral arrangements between African Union member States and donors. Given the nature of such agreements, the African Union does not necessarily have control over them, leading to logistic structures that can be very unbalanced.

75. The African Union, supported by international partners, needs to examine how logistics support can be achieved, avoiding the establishment of large stockpiles of equipment that may or may not be used, and which exact a high price for maintenance. While the United Nations has experience in this field which can benefit the African Union, it does not follow that such experience provides the perfect model for future African Union logistics operations. In this respect, consideration should be given to whether the African Union's requirements could be better served either through commercial multifunction contracts such as logistics civil augmentation programmes, either in entirety or in combination with limited infrastructure and equipment stockpiles.

76. While it may not be desirable for the African Union to replicate the logistical arrangements of the United Nations, the latter has considerable experience in managing large-scale logistics support. It follows that there are numerous lessons that can be passed on. In this respect, consideration should be given to identifying how the African Union can benefit from the experience of the United Nations Logistics Base in Brindisi, Italy. Much could be achieved through a close relationship between United Nations and African Union logistics planners, particularly in transferring procedural experience either by co-locating an African Union element with the United Nations Logistics Base or staff exchanges. Consideration should also be given to a possible role for the United Nations logistics hub in Entebbe, Uganda.

77. The scale of the logistics requirement needed to support the African Peace and Security Architecture is huge. It can be achieved only if it is both realistic and planned as a long-term project. This process needs to be taken step by step and must be linked to a series of benchmarks established in order to support the implementation of logistics capacity commensurate to the development of the African Peace and Security Architecture concept. Ideally, this should be developed jointly between the United Nations and the African Union, which would assist in establishing a nucleus of experienced African Union staff, and would also facilitate the transfer of best practice. It is also important that this process is accompanied by comprehensive training programmes for African Union and subregional staff.

78. The emphasis is mainly on developing the African Union's capacity. However, we must develop a clear understanding of the division of responsibility for logistics between the African Union and the regional economic communities, and between the communities and the member States. Member States are ready to provide troops, but they often lack the necessary equipment for them to operate effectively. This

includes the resources needed to equip, deploy and sustain them, which can result in delays to deployment but, more importantly, it may result in a mission lacking credibility, and therefore bringing greater risks.

XIII. Coordination of capacity-building support

79. Notwithstanding the proposals for improved financial and logistics support, it is likely that members of the international community will continue to provide funding and support for a number of the African Union's capacity-building programmes and operations pending the establishment of the two channels that we have recommended. The need for effective coordination among supporters extends to the whole range of partner activities, as duplication of effort needs to be avoided as well as the possibility of potentially competing initiatives. The interests of capacity-building are best served if they are demand-driven and in response to the African Union's identified requirements rather than externally motivated.

80. A number of mechanisms exist to promote coordination between capacity-building partners and the African Union and these will remain an important part of the process. However, it is clear to the panel that in following up the present report, subsequent stages will be increasingly technical. They encompass issues that require expert knowledge over a range of different interests of a number of different partners. Consequently, we recommend that appropriate arrangements are implemented to ensure that the panel's recommendations can be followed up, and that they should be representative of the United Nations, the African Union and capacity-building partners.

XIV. Recommendations

81. The panel's recommendations have been guided by the need to build up the African Union's capacity for peacekeeping, both in its ability to respond to crises and in its need for a capacity that is capable of promoting long-term stability on the continent. At all times, the panel recognizes the primacy of the United Nations Security Council for matters of peace and security, and its recommendations are designed to reinforce that principle through developing a sustainable African Union capacity that can complement the Council's work.

82. Before addressing the requirements to support peacekeeping capacity, the panel emphasizes that establishing a more effective strategic relationship between the United Nations Security Council and the African Union Peace and Security Council and between the United Nations Secretariat and the African Union Commission is fundamental to long-term success. A shared strategic vision is essential if the United Nations and the African Union are to exercise their respective advantages: the African Union's ability to provide a rapid response and the United Nations capacity for sustained operations. It will also reduce the likelihood of duplication of effort and organizations working at cross purposes. In this respect, it is recommended that a joint strategic assessment be established in order to identify the issues that underpin this mutual relationship and develop a more effective partnership when addressing issues on the joint agendas.

83. In addition to the need to define the strategic relationship between the United Nations and the African Union, the panel also places emphasis on the need for a clearly understood relationship between the United Nations Secretariat and the African Union Commission. It is recognized that a good relationship already exists in many areas but these often relate to specific issues. Therefore it is recommended that a more formalized process be established to cover the range of issues of mutual interest. In this respect, it is recommended that the model offered by the United Nations/European Union Steering Committee would be helpful. It is also recommended that the idea of staff exchanges between the respective organizations, which has been floated in the past, be pursued with more vigour, particularly in the financial and logistical areas.

84. Africa has the greatest need for peacekeeping yet faces the biggest challenge in matching its willingness to act with the resources needed to be successful. The panel concluded, therefore, that it makes sense for the international community to establish arrangements to support peacekeeping in Africa without necessarily envisaging a more general regime, or setting precedents for other regions.

85. The engagement of the international community must be seen in the context of current circumstances. There is now a wider range of countries with an interest in Africa and a capacity to contribute to its development and security. In the light of these interests, the panel consulted widely and encourages those Member States, as well as those already engaged, to increase their support for peacekeeping in Africa and contribute to the proposed capacity-building fund. It is also important to encourage Member States from outside Africa to participate in peacekeeping on the continent to complement the development of African peacekeeping capacity and ensure the availability of the most appropriate response.

86. The need to develop institutional capacity commensurate with the demands placed upon the African Union is crucial to the ability to implement the African Peace and Security Architecture. Lack of institutional capacity within the African Union Commission remains a significant constraint to the development of a sustainable continental peacekeeping capability. The panel commends ongoing efforts and encourages the African Union to move forward with identifying and implementing appropriate structures and procedures; capacity-building partners are encouraged to make this a priority for their support.

87. Developing structural and procedural capacity represents only one part of an equation. The other is the need for appropriate training. A good deal of work is in hand in the context of training to support the development of the African Standby Force as a whole but more is required at the level of individual personnel. In this respect, the panel recommends that the African Union should identify its priorities for personnel training, particularly in those areas dealing with financial, logistics and administrative issues.

88. With regard to financing, it is recommended that funding mechanisms to support capacity-building in the African Union should be focused at the continental level, and that the requirements of the subregions and member States should be met through bilateral or multilateral arrangements as at present.

89. It is recommended that two new financial mechanisms be established; the first based on voluntary funding and focused on capacity-building, the second based on United Nations-assessed funding and designed to support specific peacekeeping

operations. The panel emphasizes the importance of African ownership and recommends that the African Union should consider the establishment of its own system for financial contributions for peacekeeping operations through assessed contributions to gradually augment the African Union Peace Fund.

90. The panel recommends the use of United Nations-assessed contributions on a case-by-case basis to support United Nations Security Council-authorized African Union peacekeeping operations for a period up to six months. As indicated previously, initially at least, this support should mainly be provided in kind. This could include troop transport, troop reimbursement, communications and various forms of logistical support. The panel believes such an arrangement could benefit both the United Nations and the African Union, where the African Union, exercising its ability to respond quickly, would be providing an initial response to a longer-term United Nations commitment. This would require an agreement between the African Union and the Security Council for the mission to transition to the United Nations. Such an arrangement should aim to establish an African Union mission to United Nations standards as far as possible and would clearly facilitate the transition process that would ultimately take place.

91. The panel also recommends that the African Union develop a comprehensive plan for long-term capacity-building, to be financed by a multi-donor trust fund. The fund will be governed by a board representing the African Union, the United Nations, and donors. The full administration and implementation of the fund's activities will be transferred from the initial agencies to the African Union at an appropriate stage. The secretariat of the board should be located in Addis Ababa (see paras. 66-69 above).

92. Additionally, the possibility of closer cooperation between private sector development initiatives and peacekeeping should be examined.

93. Regarding logistics, the panel recommends that the African Union consider developing its logistics capacity without necessarily replicating the current United Nations arrangements and explore alternatives such as commercial multifunction contracts, or logistics civil augmentation programmes, in order to avoid the necessity of stockpiling large quantities of equipment and the costs of maintenance.

94. The panel recommends a stronger and more consistent coordination between the African Union and the United Nations that would ensure the appropriate division of labour between the regional authorities and the broader international community.

95. It is the panel's view that all the above recommendations are only an initial phase in a long-term process of developing and supporting African Union capacity. A joint United Nations/African Union team should be established to examine the detailed modalities to support the recommendations made in the report.

Annex I

Composition of the panel

Mr. Romano Prodi (Italy), Chair

Mr. James Dobbins (United States of America)

Mr. Jean-Pierre Halbwachs (Mauritius)

Ms. Monica Juma (Kenya)

Mr. Toshiyuki Niwa (Japan)

Mr. Behrooz Sadry (Islamic Republic of Iran)

Annex II

Terms of reference for the African Union-United Nations panel of distinguished persons established pursuant to Security Council resolution 1809 (2008)

Introduction

1. At its high-level meeting held on 16 April 2008, the Security Council adopted resolution 1809 (2008) by which, among other things, it welcomed the "Secretary-General's proposal to set up within three months an African Union-United Nations panel consisting of distinguished persons to consider in-depth the modalities of how to support such peacekeeping operations, in particular start-up funding, equipment and logistics and to consider in-depth lessons from past and current African Union peacekeeping efforts".

2. In furtherance of Chapter VIII of the Charter of the United Nations, the Security Council's decision was based on paragraph 76 of the Secretary-General's report to the Security Council on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186). It is, however, important to note that while the focus is on the African Union, due consideration should be given to the role of subregional organizations in Africa as the building blocks of African peacekeeping capacity.

3. A significant amount of work has been undertaken by the African Union and its partners, including the United Nations, to ensure support for African Union peace operations. Solutions have tended to be ad hoc and major limitations include the lack of assured and flexible funding arrangements and limited institutional capacity.

Objective

4. Concrete recommendations on how the United Nations and the African Union could explore the possibility of enhancing the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union, with a focus on the expeditious and effective deployment of well-equipped troops and effective mission support arrangements.

Key output: modalities for predictable and sustainable funding (Security Council resolution 1809 (2008), para. 16)

5. The panel should examine all possible options for the funding of African Union peace operations mandated by the Security Council, and recommend possible mechanisms needed to support them, in particular:

(a) Reliable sources of funding for African Union peace operations mandated by the United Nations Security Council;

(b) Funding for developing the African Union's capacity to plan, deploy, manage and sustain peace operations;

(c) Funding to support the further development of the African Peace and Security Architecture, with the long-term objective to see a sustainable African peacekeeping capacity.

6. The panel's recommendations should be considered by the Security Council upon whose direction technical-level work would follow to develop proposed mechanisms.

Wider context

7. In identifying modalities for funding, the panel should take into account existing capacity-building initiatives, including those addressing specific shortfalls in capability as well as the capacity needed by the African Union to implement the panel's recommendations.

8. Recommendations for improved modalities for funding should take into account the need for closer cooperation both between the United Nations Security Council and the African Union Peace and Security Council, as well as between respective secretariats.

Documentation

9. The following documents should inform the work of the panel:

(a) Letter dated 10 December 2005 from the Chairperson of the African Union addressed to the United Nations Secretary-General, which outlines key areas of capacity shortfall;

(b) United Nations/African Union joint Declaration entitled "Enhancing UN-AU Cooperation: Framework for the Ten-Year Capacity-Building Programme for the African Union", dated 16 November 2006 (A/61/630, annex);

(c) Joint communiqué agreed by the United Nations Security Council and the African Union Peace and Security Council, dated 16 June 2007 (S/2007/421 and Corr.1, annex II);

(d) Document adopted following the 98th meeting of the African Union Peace and Security Council, held on 8 November 2007, which provided input to the above-mentioned report of the Secretary-General (S/2008/186);

(e) Joint communiqué agreed by the United Nations Security Council and the African Union Peace and Security Council, dated 17 April 2008;

(f) Security Council resolution 1809 (2008).

Composition and modalities of the panel

10. The panel will incorporate a range of expertise and backgrounds of selected experts; the members (six) will be appointed by the United Nations Secretary-General in consultation with the African Union.

11. A number of resource persons (advisory/research/reference group) with specific expertise will be identified and made available to the panel.

12. The panel will be provided with a dedicated secretariat consisting of one Professional and one clerical staff.

Reporting

13. The panel's recommendation should be submitted for review by the Secretary-General prior to submission, as appropriate, to the Security Council.

United Nations S/2008/814

Security Council

Distr.: General
24 December 2008

Original: English

Identical letters dated 24 December 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and to the President of the Security Council

I am compelled to write to you for a second time in as many days regarding the deteriorating situation in southern Israel caused by unrelenting terrorist attacks.

Today, more than 60 rockets and mortars hit civilian population centres, including the cities and town of Ashkelon, Netivot and Sderot, as well as the kibbutzim of Nirim, Nahal Oz and Kerem Shalom. These rockets and mortars have targeted civilians in private houses, public buildings, offices, playgrounds and other populated areas in a deliberate effort to sow death, terror and injury. Instead of gathering in celebration in town halls and community centres with family and friends for the annual Chanukah festival, the residents of southern Israel are compelled to gather in bomb shelters.

Let me also mention that today, more than 40 trucks laden with supplies were supposed to be transferred to the Gaza Strip on behalf of the World Food Programme, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Palestinian Ministry of Health and other agencies. However, as a direct result of today's dangerous onslaught of rockets and mortars, those transfers will not reach their intended destination. Clearly, it is Hamas who bears full responsibility for the humanitarian situation in the Gaza Strip.

While Israel is demonstrating remarkable restraint, it has — as I mentioned in my previous letter — the right to protect itself in accordance with Article 51 of the Charter of the United Nations. Israel has the right and the duty to safeguard the lives, the security and the well-being of its citizens.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

08-67020 (E) 271208

United Nations S/2008/815

Security Council

Distr.: General
27 December 2008

Original: English

Letter dated 27 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

Upon instructions from my Government and in accordance with rule 2 of the provisional rules of procedure of the Security Council, I have the honour to request an urgent meeting of the Council to discuss the criminal aggression by the Israeli occupation forces against the Palestinian people, which resulted in hundreds of deaths and casualties among the innocent civilians in the besieged Gaza Strip.

(*Signed*) Giadalla A. **Ettalhi**
Ambassador
Permanent Representative

08-67026 (E) 271208

United Nations S/2008/816

Security Council

Distr.: General
27 December 2008

Original: English

Identical letters dated 27 December 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and to the President of the Security Council

I am writing this urgent letter in order to inform you that after a long period of utmost restraint, the Government of Israel has decided to exercise, as of this morning, its right to self-defence. Israel is taking the necessary military action in order to protect its citizens from the ongoing terrorist attacks originating from the Gaza Strip and carried out by Hamas and other terrorist organizations.

For years, as we have reported to the Security Council once and again, Israeli citizens have been under daily attack by terrorist groups emanating from Gaza, most of them acting amid densely populated areas. In the past two months alone, more than 400 rockets and 200 mortar shells were fired at Israeli civilian communities. These deliberate attacks against civilians have intensified lately, in particular since mid-December, after Hamas announced the termination of the state of calm.

Hamas holds the sole responsibility for the latest events in Gaza. Despite ongoing rocket attacks for many days, Israel has exhausted all means and efforts to reach and maintain quiet and to respect the state of calm facilitated through the good offices of Egypt. Nevertheless, the lull offered to Hamas was deliberately violated by the terrorists and cynically abused in order to acquire deadly weapons, hence placing more than one quarter of a million of Israelis under the daily threat of rockets and terrorism.

The State of Israel has thus decided to actively fight terrorism and protect its citizens from further terrorist attacks through a decisive response, which is conducted in accordance with the inherent right of every State to self-defence as enshrined in Article 51 of the Charter of the United Nations.

Israel's response is aimed solely against the terrorists and their infrastructure in the Gaza Strip. It is not directed at the civilian population. Israel is committed to preventing a humanitarian crisis and to minimizing harm to civilians and will continue to facilitate the work of international and humanitarian organizations.

No country would allow the continuous firing of rockets at its civilian population without taking the necessary actions to stop it. Israel expects the understanding and support of the international community for its actions as it confronts terrorism and advances the interests of all those who wish that peace and coexistence would prevail in our region.

08-67032 (E) 271208

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

United Nations S/2008/817

Security Council

Distr.: General
27 December 2008

Original: English

Letter dated 27 December 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

The world community is yet again witnessing, in outrage and pain, the horrendous terrorist acts of the Israeli regime against the innocent Palestinian people in the Gaza strip. The world is again shocked to see that this irresponsible and criminal regime, after having starved a whole population, is now using its pre-planned and wicked ploy in slaughtering them. We had repeatedly stressed that the Israeli regime knows no boundaries in its brutal terrorist acts and criminal policies and practices, and the said regime's massacring of hundreds of defenseless Palestinians in the Gaza Strip today serves as another example of this outrageous fact. Hundreds of people have been killed, many of them children on their way home from school; the rest were innocent men and women either trying to remain alive under an unprecedented, malicious humanitarian crisis imposed on them by the Israeli regime, or running out of their homes to save their children from the Israeli savagery.

All these crimes, which are among the most horrendous ever committed in the history of mankind, are happening while some of those with permanent seats on the Security Council have even fallen short of calling on the Israeli regime to stop its crimes against humanity. The same powers, by incapacitating the Council from taking any action against Israeli crimes in the past, undoubtedly share responsibility in this new round of Israeli crimes against humanity. The Council's inaction against the Israeli brutalities in the past has emboldened the said regime in its atrocities and crimes against the Palestinian people.

For so many months, more than 1.5 million people in the Gaza Strip have been starved and deliberately kept deprived, by the Israeli regime, of the most basic services and goods that they need for survival, and now they are being eliminated before the eyes of the international community while the Security Council has remained idle and practically indifferent.

We urge the Security Council to take urgent and meaningful action in order to force the Israeli regime to stop its atrocities and war crimes against the Palestinian people in the Gaza Strip and to help alleviate their suffering and pain. Inaction is not an option. Business as usual, whereby the Council has been prevented from taking any action to counter the Israeli crimes and put to work only when and where the interests of a few powers require, should be ended. The Israeli regime is making a mockery of the whole international community and of the Security Council. The

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Council needs to act to put an end to this Israeli impunity and to these atrocious crimes.

I would be grateful if you could bring the present letter to the attention of the Security Council members and circulate it as a document of the Council.

(*Signed*) Eshagh **Al Habib**
Ambassador
Chargé d'affaires a.i.

United Nations S/2008/815

Security Council

Distr.: General
27 December 2008
English
Original: Arabic

Identical letters dated 27 December 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Jordan to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I should like to convey to you Jordan's deep concern regarding the dangerous developments, the escalation of violence and the deterioration of the humanitarian situation in the Gaza Strip as a result of the Israeli military aggression that started this morning in Gaza.

Jordan condemns this unjustified aggression, which has led to a large number of civilian deaths, and firmly requests that the international community assume its political, legal and moral responsibilities by exerting pressure on Israel to halt immediately all military operations, end the policy of collective punishment directed at Palestinian civilians and end the enormous suffering created by those operations, which are a clear violation of international humanitarian law, in one of the most densely populated areas of the world.

The only way to resolve the Palestinian-Israeli conflict is to return to negotiations. The establishment of Palestinian State on its national soil, in accordance with relevant international terms of reference and the Arab Peace Initiative, is the only means by which peace can truly be achieved. Israel's use of excessive military force threatens not only regional stability, but the credibility of the entire peace process and the prospects for successful negotiations in the future. It also serves to increase tensions and extremism.

Jordan hopes that your sincere and unflagging efforts will end this situation as soon as possible, for the sake of a better future for the entire region.

My Government would be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Khalid **Shawabkah**
Chargé d'affaires a.i.

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United Nations A/ES-10/428–S/2008/819

General Assembly
Security Council

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29 December 2008

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-third year

Identical letters dated 27 December 2008 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It is with deepest regret that I inform you that Israel, the occupying Power, has unleashed a deadly rampage in the Gaza Strip today, resulting in the deaths of over 200 Palestinians, with many innocent children and women among the dead and wounded. In this regard, in flagrant violation and grave breach of the relevant rules and provisions of international law, Israeli F-16 warplanes and Apache helicopters dropped over 100 bombs on dozens of locations in the Gaza Strip in the mid-morning hours of 27 December 2008 (local time).

It is also being reported that more than 600 Palestinians were seriously wounded by the Israeli occupying forces in this latest round of brutal attacks. The hospitals in Gaza, which are already facing critical shortages of medical supplies and decaying equipment as a result of the ongoing Israeli siege of Gaza, are now exerting all efforts possible under such circumstances to treat those wounded in the attacks. It should be noted that for weeks before this latest campaign of death and destruction, Israel ensured the complete crippling of all vital sectors in the Gaza Strip, specifically, medical services and international humanitarian aid agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, by banning much-needed aid from coming into the Gaza Strip. The situation in Gaza is catastrophic, and Israel, the occupying Power, is fully responsible for the deaths of scores of Palestinians who might not receive the medical treatment they need as a result of this criminal siege. Meanwhile, the rest of the population in the area, gripped by panic and fear and already suffering humanitarian hardship, are reported to be hiding in their homes. But even there they know they are not safe from the military strikes of the occupying Power.

The Palestinian leadership, under President Mahmoud Abbas, has declared a state of mourning and has expressed its sheer outrage at this savagery and holds the Government of Israel fully accountable for this irresponsible and criminal onslaught, which threatens to plunge the entire region into violence and hatred. It

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must be recalled that what we are witnessing now is the horrific materialization of the repeated threats made by several Israeli officials over the past months, who have threatened to launch large-scale military attacks against the Palestinian people under their occupation in the Gaza Strip. Israeli Defense Minister Ehud Barak stated that this latest aggression, "Operation Cast Lead", would continue for "as long as necessary". Such threats, combined with the actual killing of civilians and the destruction being perpetrated by Israel, the occupying Power, which must be viewed with the utmost seriousness and vehemently condemned, require immediate action by the international community, including the Security Council.

Civilians under foreign occupation are entitled to protection under international humanitarian law. Moreover, it must be clearly and firmly reiterated that international humanitarian law absolutely prohibits reprisals against a civilian population. Real and immediate measures must be taken to avert the killing of even more innocent people as well as the uncontrollable spiral of the situation to irreversible depths, wherein the vicious and deadly cycle of violence will only worsen.

Given the grim situation just outlined and the humanitarian disaster that has befallen Gaza, the Palestinian leadership calls for an emergency meeting of the Security Council to address this dramatic deterioration of the situation on the ground in the Occupied Palestinian Territory. At this time of crisis, we reiterate our call upon the international community to uphold international law in all circumstances and upon the Council to uphold its responsibilities under the Charter and to undertake immediate measures to address this grave situation being faced by the Palestinian people. Continued silence and paralysis will surely bring only more death and destruction.

The present letter is in follow-up to our previous 323 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 5 December 2008 (A/ES-10/427-S/2008/768), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council. (As all the victims have not yet been identified, their names will be included in the annex to a future letter.)

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine

United Nations S/2008/820

Security Council

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29 December 2008

Original: English

Letter dated 26 December 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to resolution 1810 (2008), adopted by the Security Council on 25 April 2008, by which the Council, inter alia, extended the mandate of the Committee established pursuant to resolution 1540 (2004) for a period of three years, with continued assistance of experts, until 25 April 2011.

On 19 December 2008, the Committee approved the recruitment of three new experts to the current group of experts assisting the Committee in its work. Accordingly, I wish to inform you of my appointment, with effect from 1 April 2009, of the following experts:

Nicolas Kasprzyk (France)
Senan Abdelhasaan Muhyee (Iraq)
Petr G. Litavrin (Russian Federation)

I would be grateful if you could bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Security Council

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Letter dated 26 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), and in accordance with paragraph 13 of resolution 1810 (2008), I have the honour to inform you that the Committee has initiated a discussion on options for developing and making more effective the existing funding mechanisms for the implementation of resolution 1540 (2004).

I would appreciate it if the present letter would be brought to the attention of Security Council members and issued as a document of the Council.

(*Signed*) Jorge **Urbina**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

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Security Council

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Report by the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 19 December 2008 from the Permanent Mission of the Russian Federation to the United Nations stating that Mr. Albert V. Sitnikov has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

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